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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/964,466 | 09/28/2001 | Hirofumi Shimuzu | 214592US2S | 1772 |

22850 7590 03/07/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

CHANG, KENT WU

ART UNIT PAPER NUMBER

2673

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,466

Applicant(s)

SHIMUZU, HIROFUMI

Examiner

Kent Chang

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on 9/30/04, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3, 5, 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Son et al (US Patent No. 6,278,887).

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Consider claims 1 and 3. Son discloses a communication terminal apparatus (radio telephone handset) capable of receiving information from a communication system network, comprising: receiving means for receiving information from the network; a display configured to display information; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means (pressing of the end button or closing of the flip cover); display control means for causing the display to display information received by the receiving means, when the detector has detected the completion of the information reception, an illumination controller configured to cause the illumination means to illuminate the display, when the detector has detected the completion of the information reception, and a time measured by a timer falls within a predetermined time period (see column 5 line 52 to column 6 line 30).

Consider claims 5 and 7. Son also teaches displaying the incoming information and turning on the power of the display upon receipt of an incoming call (see column 5 lines 52-65).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 4/1, 4/3, 8/5, 8/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al (US Patent No. 6,278,887).

Consider claims 4/1, 4/3, 8/5, and 8/7. Son discloses a communication terminal apparatus (radio telephone handset) capable of receiving information from a communication system network, comprising: receiving means for receiving information from the network; a display configured to display information; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means (pressing of the end button or closing of the flip cover); display control means for causing the display to display information received by the receiving means, when the detector has detected the completion of the information reception, an illumination controller configured to cause the illumination means to illuminate the display, when the detector has detected the completion of the information reception, and a time measured by a timer falls within a predetermined time period. Son also teaches displaying the incoming information and turning on the power of the display upon receipt of an incoming call (see column 5 line 52 to column 6 line 30). It would have been obvious for one of ordinary skill in the art at the time of the invention to use a beep sound to inform the user of the completion of the information reception in the device of Son so as to provide a user friendly device.

3. Claims 2, 6, 4/2, 8/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Son et al (US Patent No. 6,278,887) in view of Yoshinori (JP 9-252342).

Son discloses a communication terminal apparatus (radio telephone handset) capable of receiving information from a communication system network, comprising: receiving means for receiving information from the network; a display configured to display information; illumination means for illuminating the display; a detector configured to detect completion of information reception by the receiving means (pressing of the end button or closing of the flip cover); display control means for causing the display to display information received by the receiving means, when the detector has detected the completion of the information reception, an illumination controller configured to cause the illumination means to illuminate the display, when the detector has detected the completion of the information reception, and a time measured by a timer falls within a predetermined time period. Son also teaches displaying the incoming information and turning on the power of the display upon receipt of an incoming call (see column 5 line 52 to column 6 line 30). Son is silent in using a luminous level detector.

However, Yoshinori teaches to use a light detector for detecting the surrounding brightness level of a display device and turn off the display when the surrounding brightness level is high. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to use a light detector for detecting the surrounding brightness level of a display device and turn off backlight of the display when the surrounding brightness level is high as taught by Yoshinori in the device of Son so as to save power.

Consider claims 4/2 and 8/6. It would have been obvious for one of ordinary skill in the art at the time of the invention to use a beep sound to inform the user of the completion of the information reception so as to provide a user-friendly device.

Response to Arguments

4. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kent Chang whose telephone number is 703-305-4824. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz, can be reached at 571-272-3638.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

703-872-9306

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kent Chang
Primary Examiner
Art Unit 2675

kc

2/19/05